

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CARL LINDSEY,

Defendant-Appellant.

UNPUBLISHED

May 1, 1998

No. 198291

Wayne Juvenile Court

LC No. 95-327663

Before: Saad, P.J., and Wahls and Gage, JJ.

PER CURIAM.

Defendant appeals by leave granted from his bench trial convictions for unlawfully driving away of an automobile (“UDAA”), MCL 750.413; MSA 28.645, and receiving and concealing stolen property valued in excess of \$100, MCL 750.535; MSA 28.803. Defendant was committed to the Family Independence Agency for placement. We affirm.

Defendant first argues that there was insufficient evidence to find that he was an aider and abettor to the offense of unlawfully driving away of an automobile. MCL 750.413; MSA 28.645. One who procures, counsels, aids, or abets the commission of an offense may be prosecuted, convicted, and punished as if he directly committed the offense. MCL 767.39; MSA 28.979; *People v McCray*, 210 Mich App 9, 13; 533 NW2d 359 (1995). The elements of an unauthorized driving away of a motor vehicle are: “(1) the possession of the vehicle must be taken; (2) there must be a driving away; (3) done wilfully; and (4) possession and the driving away must be done without authority.” *People v Hendricks*, 200 Mich App 68, 71; 503 NW2d 689 (1993). The owner of the van at issue testified that she did not give anyone permission to move the van and that it was missing approximately one hour after she parked it. Defendant was found in possession of the stolen van several hours later. Defendant contends that the evidence showed he was a passenger in the van and nothing more. Yet, while defendant was in the van, the police engaged in a chase before the van crashed into a garage. Defendant then fled on foot. The license plates had been changed; there were no keys in the vehicle, and the steering column and dashboard had been damaged by thieves. Viewing this evidence in the light most favorable to the prosecution, sufficient evidence was presented to find defendant guilty of UDAA. See *People v Snake*, 22 Mich App 79, 82; 176 NW2d 726 (1970).

Relief is also not warranted on defendant's claim that there was insufficient evidence presented to support his conviction as an aider and abettor to the offense of receiving and concealing stolen property in excess of \$100. The elements of this offense are that (1) the property was stolen, (2) the property has a fair market value of over \$100, (3) the defendant bought, received, possessed, or concealed the property with knowledge that the property was stolen, and (4) the property was identified as being previously stolen. *People v Gow*, 203 Mich App 94, 96; 512 NW2d 34 (1993).

Testimony revealed that the van was removed from where it was parked without permission and that it had a value of \$18,850. Defendant's knowledge that the vehicle was stolen is evidenced from the damage to the steering column and dashboard as well as the car chase which ensued and the fact that defendant fled from the crash site. Viewing this evidence in a light most favorable to the prosecution, defendant's conviction of receiving and concealing stolen property valued in excess of \$100 is supported by the evidence.

Affirmed.

/s/ Henry William Saad

/s/ Myron H. Wahls

/s/ Hilda R. Gage